

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
)	
Rancho Palos Verdes Broadcasters, Inc.)	
v.)	CSR-6068-M
News-Press & Gazette Co.)	
)	
Request for Carriage)	

MEMORANDUM OPINION AND ORDER

Adopted: May 12, 2003

Released: May 15, 2003

By the Deputy Chief, Policy Division, Media Bureau:

I. INTRODUCTION

1. Rancho Palos Verdes Broadcasters, Inc., licensee of television broadcast station KXLA (Ch. 44), Rancho Palos Verdes, California ("KXLA") filed the above-captioned complaint against News-Press & Gazette Co. ("News-Press"), for its failure to carry KXLA on its cable system serving the communities of Blythe and Ehrenberg, California. No opposition to this complaint has been received.¹ For the reasons discussed below, we dismiss the complaint.

2. KXLA states in its complaint that, by letter dated September 27, 2002, it requested must carry status on the News-Press cable system, pursuant to Section 76.64(f) of the Commission's rules, beginning with the January 1, 2003 election period. We note, however, that the Commission's must carry requirements set forth a two-part notification process with which stations are required to comply: the retransmission consent/must carry election notification required by Section 76.64(f) of the Commission's rules and the demand for carriage by qualified stations set out in Section 76.61(a) of the Commission's rules.² We find KXLA's September 27, 2002 letter to News-Press to be an election notice, pursuant to Section 76.64(f)(4) of the Commission's rules and not an actual demand for carriage pursuant to Section 76.61(a) of the rules.³ As a result, News-Press' failure to respond would not have triggered the 60-day complaint cycle required by Section 76.61(a)(5) of the Commission's rules.⁴ News-Press has not participated in this proceeding. Therefore, resolution of KXLA's must carry rights in an uncontested

¹A letter was sent to the Deputy Chief, Media Bureau stating that an agreement had been reached between News-Press and KXLA with regard to carriage. However, counsel for KXLA stated that he was unaware of any such agreement and requested formal resolution of the complaint.

²47 C.F.R. §§76.64(f) and 76.61(a).

³*Id.*

⁴47 C.F.R. § 76.61(a)(5).

proceeding is not appropriate without an actual demand for carriage. As a result, we will dismiss KXLA's complaint.

3. Accordingly, **IT IS ORDERED** that the petition filed by Rancho Palos Verdes Broadcasters, Inc. **IS DISMISSED** pursuant to Section 614 of the Communications Act of 1934, as amended, 47 U.S.C. §534.

4. This action is taken pursuant to authority delegated by Section 0.283 of the Commission's rules.⁵

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckaert
Deputy Chief, Policy Division
Media Bureau

⁵47 C.F.R. § 0.283.